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PATENTAMTS

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THE EUROPEAN PATENT
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**Datasheet for the decision
of 10 December 2007**

Case Number: T 0584/07 - 3.3.07

Application Number: 96911815.7

Publication Number: 0824340

IPC: A61K 7/16

Language of the proceedings: EN

Title of invention:
Dentifrice compositions

Patent Proprietors:
THE PROCTER & GAMBLE COMPANY

Opponent:
INEOS Silicas Limited

Headword:

-

Relevant legal provisions:
EPC Art. 108
EPC R. 101(1) (formerly 65(1))

Keyword:
"Missing Statement of Grounds"

Decisions cited:

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Catchword:

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Case Number: T 0584/07 - 3.3.07

D E C I S I O N
of the Technical Board of Appeal 3.3.07
of 10 December 2007

Appellants: THE PROCTER & GAMBLE COMPANY
(Patent Proprietors) One Procter & Gamble Plaza
Cincinnati, Ohio 45202 (US)

Representative: Clemo, Nicholas Graham
Procter & Gamble Technical Centres Limited
Patent Department
Rusham Park
Whitehall Lane
Egham, Surrey TW20 9NW (GB)

Respondents: INEOS Silicas Limited
(Opponents) Bank Quay
Warrington
Cheshire WA5 1AB (GB)

Representative: Collingwood, Anthony Robert
Marks & Clerk
Sussex House
83-85 Mosley Street
Manchester, M2 3LG (GB)

Decision under appeal: Decision of the Opposition Division of the
European Patent Office posted 2 February 2007
revoking European patent No. 0824340 pursuant
to Article 102(1) EPC.

Composition of the Board:

Chairman: S. Perryman
Members: B. ter Laan
G. Santavicca

Summary of Facts and Submissions

I. In its written decision issued 2 February 2007 the Opposition Division revoked the European patent No. 824340.

With facsimile dated 5 April 2007 the Appellants (Patent Proprietors) filed a Notice of Appeal against this decision and paid the appeal fee on the same date. The Appellants requested that the patent be maintained as granted.

No statement of Grounds had arrived during the 4 month filing period envisaged by Article 108 EPC.

II. By a communication dated 18 July 2007 and sent by registered letter, the Registry of the Board informed the Appellants that no Statement of Grounds had been filed and that the appeal would be rejected as inadmissible. The Appellants were invited to file observations within two months.

III. No response to said communication was received by the EPO.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, and since the Notice of Appeal does not contain anything that could be regarded as a Statement of Grounds pursuant to Article 108 EPC, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 101(1) (formerly 65(1)) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

K. Götz

S. Perryman